

Board of Adjustment
June 28, 2023
BOA-2223-19

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Diane Peppler
LOCATION	219 S. Stewart Avenue
ZONING	R-2, Two Family Dwelling District
REQUESTED ACTION	Variance to 36-516(c)(1) of approximately 6' to the 25' front yard setback for construction of a new garage on the south side of the property
SUPPORTING DATA	Location Map Application with attachments Site Plan

SYNOPSIS: The applicant plans to build a detached garage that will be placed on the south side of the property, 19' from the front property line. The main building is at 8' from the front property line.

The application, site plan, and the Existing Variance Conditions form are attached for your review.

VARIANCE CRITERIA PER SECTION 570(k):

A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

- (1) An applicant shall submit to the Board of Adjustment a written application indicating:
 - (a) That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district;
 - (b) That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - (c) That the special conditions and circumstances do not result from the actions of the applicant;
 - (d) That granting the variances requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structure, or buildings in the same district;

No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

The applicant provided responses to the four variance criteria. Please see the attached Existing Variance Conditions form and related information.

DISCUSSION: Although there is enough space to fit the garage behind the required 25' front setback, the applicant is asking for this variance to protect an existing mature tree on the property. Also, the proposed building location will avoid obstructing the windows of the main building with the new garage. The new structure will not represent any obstruction for the neighbors because the adjacent property is a basketball court.

CONCLUSION: Staff forwards this request for a front setback variance and BOA-2223-19 to the Board of Adjustment for consideration.